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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO. CR09-183-RSM
10)
11 Plaintiff,)
12)
13 v.) SUMMARY REPORT OF U.S.
14) MAGISTRATE JUDGE AS TO
15 SAMUEL OLVIRA MORALES,) ALLEGED VIOLATIONS
16) OF SUPERVISED RELEASE
17 Defendant.)
18)
19)

20 An initial hearing on supervised release revocation in this case was scheduled before me
21 on February 26, 2013. The United States was represented by AUSA Sarah Vogel and the
22 defendant by Kevin Peck. The proceedings were digitally recorded.

23 Defendant had been sentenced on or about November 13, 2009 by the Honorable
24 Ricardo S. Martinez on a charge of Conspiracy to Distribute Methamphetamine, and sentenced
25 to 32 months custody, 5 years supervised release.

26 The conditions of supervised release included the standard conditions plus the
27 requirements that defendant participate in drug treatment and testing, abstain from alcohol,
28 submit to search, participate in a mental health program to include Moral Reconation Therapy,

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01 reside and successfully complete a residential reentry program of up to 120 days, provide
02 financial information to his probation officer as requested, and not associate with any known
03 gang members. (Dkt. 196.)

04 On June 18, 2012, defendant's probation officer reported that he had tested positive for
05 cocaine. Defendant was reprimanded, placed in a structured testing program, and referred for
06 professional assessment. No further action was taken at the time. (Dkt. 271.) On October 15,
07 2012, the probation officer reported that defendant tested positive for ecstacy,
08 methamphetamine and alcohol. Defendant was referred for counseling, a community based
09 residential program, and intensive outpatient treatment. No further action was taken at the
10 time. (Dkt. 272.)

11 In an application dated February 14, 2013 (Dkt. 273, 274), U.S. Probation Officer
12 Jennifer Van Flandern alleged the following violations of the conditions of supervised release:

13 1. Using methamphetamine on or before January 24, February 4, February 8, and
14 February 11, 2013, in violation of standard condition number 7.

15 2. Using alcohol, on or about February 11, 2013, in violation of his special
16 condition of supervised release.

17 Defendant was advised in full as to those charges and as to his constitutional rights.

18 Defendant admitted the violations and waived any evidentiary hearing as to whether
19 they occurred. (Dkt. 275.)

20 I therefore recommend the Court find defendant violated his supervised release as
21 alleged in violations 1 and 2, and that the Court conduct a hearing limited to the issue of
22 disposition. The next hearing will be set before Judge Martinez .

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Pending a detention hearing by the Court, defendant has been detained.

DATED this 27th day of February , 2013.



Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Sarah Vogel
Defendant's attorney: Kevin Peck
Probation officer: Jennifer Van Flandern